

*\*Please note: All articles are available in the attached PDF.*

*\*To receive the Daily News Digest in your inbox, email [R6Press@epa.gov](mailto:R6Press@epa.gov).*

**1 — NTMWD: Water samples within EPA regulations; Residents still have concerns, Brockovich set to visit, Star Local, 3/30/2018**

[http://starlocalmedia.com/planocourier/ntmwd-water-samples-within-epa-regulations-residents-still-have-concerns/article\\_f56ba366-339a-11e8-80ea-dff3f386f74f.html](http://starlocalmedia.com/planocourier/ntmwd-water-samples-within-epa-regulations-residents-still-have-concerns/article_f56ba366-339a-11e8-80ea-dff3f386f74f.html)

Water tests confirmed the North Texas Municipal Water District is in compliance with state and federal water regulations. The tests occurred due to public outcry and concern during the district's routine 28-day chlorine flush, which ended Monday. Based on the district's test on March 15, THM levels from the northern Plano sample were 53.7 parts per billion, and the southern sample showed 70.5 parts per billion, both within EPA regulations of 80 parts per billion for disinfection byproducts and trihalomethanes (THM) in the water supply.

**2 — EPA to finish ozone designations in July with San Antonio, Greenwire, 3/29/2018**

<https://www.eenews.net/greenwire/2018/03/29/stories/1060077777>

U.S. EPA will abide by a court-ordered July deadline to wind up all tardy attainment designations for its 2015 ground-level ozone standard, culminating with a closely watched final decision for a fast-growing part of Texas, according to a new regulatory filing. While EPA air chief Bill Wehrum had previously insisted the agency needed until Aug. 10 to make the designations for the eight-county San Antonio region, that verdict will now come by July 17, according to a notice set for publication in tomorrow's Federal Register.

**3 — EPA rejects challenge to ExxonMobil permit, Baytown Sun, 3/30/2018**

[http://baytownsun.com/news/article\\_3af94d1c-340d-11e8-81f5-e7e857d835c7.html](http://baytownsun.com/news/article_3af94d1c-340d-11e8-81f5-e7e857d835c7.html)

The Environmental Protection Agency is rejecting a challenge to the Texas operating permit for a portion of ExxonMobil Baytown refinery and petrochemical complex. In 2016, the Environmental Integrity Project, along with Air Alliance Houston and the Sierra Club, filed an administrative petition questioning the state's decision to apply classifications to a new ethylene production unit as a "minor modification" that wouldn't require it to have additional pollution controls. The groups argued that state regulators were improperly relying on a different permit that set "plantwide applicability" emissions rules that were not in compliance with the Clean Air Act.

**4 — Air of Uncertainty: DOJ involved in controversial plant emitting 'likely carcinogen', WVUE, 3/29/2018**

<http://www.fox8live.com/story/37843634/air-of-uncertainty-doj-involved-in-controversial-plant-emitting-likely-carcinogen>

Louisiana Department of Environmental Quality documents and sources have revealed the Federal Justice Department is involved in an ongoing issue concerning the Denka manufacturing plant in Laplace. The Environmental Protection Agency classifies chloroprene as likely carcinogen and says the chloroprene emissions coming from the Denka Performance Elastomer facility put people who live and work nearby at the highest risk of developing cancer in the nation.

**5 — NM Environment Review: More LANL news, plus the Gila River diversion and EPA's Scott Pruitt, NM Political Report, 3/29/2018**

<http://nmpoliticalreport.com/819672/nm-environment-review-more-lanl-news-plus-the-gila-river-diversion-and-epas-scott-pruitt/>

The Santa Fe New Mexican's Rebecca Moss keeps up her great coverage of Los Alamos National Laboratory, this week with a story about how the lab took a week to find hazardous waste it had lost. The Silver City Daily Press's Benjamin Fisher reported that the state had some questions for the New Mexico Central Arizona Project Entity:

**6 — City Council OKs mandated remediation expenses, Port Arthur News, 3/29/2018**

<https://www.panews.com/2018/03/29/city-council-oks-mandated-remediation-expenses/>

Port Arthur City Council members have OK'd spending up to \$35,000 for environmental remediation on Locomotive No. 503 at Bryan Park. That action was taken Tuesday. The city is under a mandate from the Texas Commission on Environmental Quality to address issues of asbestos in or around the soil under the moored steam locomotive, a gift from Kansas City Southern in 1957, which has been displayed at the park for decades.

**7 — Lake Charles area petrochemical firms to pay \$11 million for hazardous waste violations, Times Picayune, 3/29/18**

[http://www.nola.com/environment/index.ssf/2018/03/calcasieu\\_chemical\\_firms\\_to\\_pay\\_11\\_million\\_for\\_hazardous\\_waste\\_violations/#incart=most-shared-environment](http://www.nola.com/environment/index.ssf/2018/03/calcasieu_chemical_firms_to_pay_11_million_for_hazardous_waste_violations/#incart=most-shared-environment)

Three major Lake Charles-area petrochemical companies have agreed to pay \$11 million to federal and Louisiana government agencies to settle charges that they illegally disposed of hazardous waste that damaged natural resources in part of the Calcasieu River estuary for decades, according to a notice in the Thursday (March 29) edition of the Federal Register.

**8 — Louisiana's Working Coast, CPRA, 3/28/18**

<https://cpa.maps.arcgis.com/apps/Cascade/index.html?appid=4d5aabb889f475bbf7631c5b93d58e3>

Louisiana's coast is a precious natural, economic, and cultural resource. South Louisiana manages to be many things at once: a center of culture, a haven for wildlife and fisheries, and an economic hub of national importance. These roles might seem mutually exclusive, and in most other places they probably would be. But in south Louisiana, we make these different roles work together, all while delivering a wealth of goods and services to our state and nation. Our nation depends on the value of Louisiana's Working Coast.

**9 — As lawsuits over Texas chemical disaster add up, advocates blame Arkema and rules regulating it, Texas Tribune, 3/30/18**

<https://www.texastribune.org/2018/03/30/arkema-disaster-harvey-regulations-texas-crosby>

Two counties, dozens of first responders and hundreds of neighbors claim in court documents that the Arkema chemical manufacturing plants committed negligence. Environmental advocates say lax industry regulations exacerbated the disaster.

**10 E.P.A. Prepares to Roll Back Rules Requiring Cars to Be Cleaner and More Efficient, NY Times, 3/29/18**

<https://www.nytimes.com/2018/03/29/climate/epa-efca-auto-pollution-rollback.html?rref=collection%2Fsectioncollection%2Fclimate>

The Trump administration is expected to launch an effort in coming days to weaken greenhouse gas emissions and fuel economy standards for automobiles, handing a victory to car manufacturers and giving them ammunition to potentially roll back industry standards worldwide. The move — which undercuts one of President Barack Obama's signature efforts to fight climate change — would also propel the Trump administration toward a courtroom clash with California, which has vowed to stick with the stricter rules even if Washington rolls back federal standards.

[http://starlocalmedia.com/planocourier/ntmwd-water-samples-within-epa-regulations-residents-still-have-concerns/article\\_f56ba366-339a-11e8-80ea-dff3f386f74f.html](http://starlocalmedia.com/planocourier/ntmwd-water-samples-within-epa-regulations-residents-still-have-concerns/article_f56ba366-339a-11e8-80ea-dff3f386f74f.html)

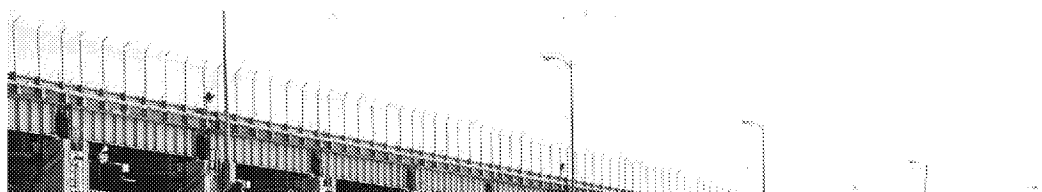
FEATURED

## NTMWD: Water samples within EPA regulations; Residents still have concerns, Brockovich set to visit

Kelsey Samuels, [ksamuels@starlocalmedia.com](mailto:ksamuels@starlocalmedia.com) 2 hrs ago



Erin Brockovich



Water tests confirmed the North Texas Municipal Water District is in compliance with state and federal water regulations. The tests occurred due to public outcry and concern during the district's routine 28-day chlorine flush, which ended Monday.

Based on the district's test on March 15, THM levels from the northern Plano sample were 53.7 parts per billion, and the southern sample showed 70.5 parts per billion, both within EPA regulations of 80 parts per billion for disinfection byproducts and trihalomethanes (THM) in the water supply.

Bill Teery, technical director at Ana-Lab Corp, said technicians tested two 40 milliliter bottles of water, taken from Plano near 14th Street and Del Sol Drive and near Forney and Terrell.

The NTMWD has recently been criticized by residents for a strong bleach, chemical smell in the water. The flushes were reportedly used as a disinfectant to kill potential bacteria that can grow as the weather warms up.

Janet Rummel, public relations for the NTMWD, said the 28-day chlorine flush ended March 26. Some cities may still have backlogged chlorine-rich water in their water system; however, "people should start seeing what they're normally used to the rest of the year coming through their taps fairly soon," she said. Any strong chlorine or bleach smells should be a thing of the past within the next week to 10 days.

If residents still report skin irritation or rashes over the next week, Rummel said they should consult with their personal doctor.

"As we've said all along, if someone thinks they have a medical condition, they should see their physician. We do not see any indication of anything different in the water that would cause that to continue to happen as a result of the chlorine," Rummel said. "It's the same level of chlorine that we have in the system year round."

Leigh Wilcox of Frisco, one of the voices of Safer Water North Texas, said she's reviewed the tests and shared them with her water experts, yet she still has concerns the results "are being minimized," she said.

"It's possible that the sites that they chose to publish were strategic, rather than randomized," she said. "We're just not sure yet. We want to be good citizens and try to get as clear a general picture as we can."

Wilcox said the group has several anonymous water experts as their guides - some local, some out of state - who are helping them ask questions and get some answers. Now that the chlorine flush is over, Safer Water NTX is shifting its gaze to ensuring water quality remains safe year round, even after the chlorine flush. Throughout the Safer Water NTX Facebook page, residents have recalled stories of unknown rashes, burns, sick animals, infertility issues, even miscarriages they believe are connected with the water supply.

At the end of the day, Wilcox said, she just wants safe water for her family.

"It think the best case scenario is that we get all the answers to the questions that we're asking and that we have a clear understanding and picture of what the quality of our water is year round, not just during the burnoff. If there are issues, we want to make sure that they are addressed and in a quick fashion because our residents deserve the best."

Much of the criticism surrounding the NTMWD escalated when environmentalist Erin Brockovich publicly criticised the district for its processes and its response to resident concerns. According to Rummel, Brockovich has not made contact with the water district for further clarity on its internal systems or methodology.

"We have not been contacted by her to understand what we do or understand anything about our system or talk to us about it," Rummel said.

Brockovich is set to visit North Texas April 5 at Frisco Celebration Hall from 6-8 p.m. Tickets to the event went on sale late Thursday. Brockovich's water engineer Robert Bowcock is set to visit the NTMWD's system early next Thursday.

Phil Dyer, former Plano mayor and councilman, is one of 25 local representatives on the NTMWD's board of directors. Despite criticism, he still maintains faith and confidence in the district's process.

"I go way back dealing with the water district, so I've know these people a long time. I really have a tremendous amount of confidence in what they do every day to provide us safe drinking water," Dyer said. "I'm sorry to hear that some people feel like the water district isn't transparent or forthright enough. That's definitely not what I've seen up there. Never once have I felt they were withholding information from us."

Visit [ntmwd.com/documents/facts-chlorine-maintenance](http://ntmwd.com/documents/facts-chlorine-maintenance) for answers to the water district's frequently asked questions.

Join the Safer Water NTX Facebook group to join the conversation with other concerned citizens.

## THE LEADER IN ENERGY AND ENVIRONMENT NEWS

## AIR POLLUTION

## EPA to finish ozone designations in July with San Antonio

Sean Reilly, E&amp;E News reporter

Published: Thursday, March 29, 2018



U.S. EPA will meet a court-ordered deadline this summer to make all attainment designations for its 2015 ozone standard, with San Antonio being designated in attainment. Nan Palmero/Flickr

U.S. EPA will abide by a court-ordered July deadline to wind up all tardy attainment designations for its 2015 ground-level ozone standard, culminating with a closely watched final decision for a fast-growing part of Texas, according to a new regulatory filing.

While EPA air chief Bill Wehrum had previously insisted the agency needed until Aug. 10 to make the designations for the eight-county San Antonio region, that verdict will now come by July 17, according to a notice set for publication in tomorrow's *Federal Register*.

The July date was the cutoff set earlier this month by a federal judge on lawsuits brought by Democratic-led states and public health and environmental groups. EPA had previously not said whether it would accept U.S. District Judge Haywood Gilliam's ruling or mount an appeal (*E&E News PM*, March 12).

By law, all attainment designations were due by last October, or two years after EPA officials had tightened the ozone standard from 75 parts per billion to 70 ppb. Without explanation, the agency missed that cutoff. Although officials later declared about 85 percent of U.S. counties effectively in attainment with the standard, they punted final decisions for Los Angeles, Houston and every other area in the country at risk of noncompliance.

Another hang-up emerged last September when Texas Gov. Greg Abbott (R) retreated from the state's original recommendation to declare Bexar County, the heavily populated heart of the San Antonio area, in nonattainment for the 70-ppb standard. Abbott instead asked for more time "to show that additional data and considerations — such as international transport — warrant an 'attainment' or 'unclassifiable/attainment' designation."

EPA isn't committing to that step, according to a recent letter to Abbott from Region 6 Administrator Anne Idsal.

At best, she wrote, EPA will rank Bexar County's status as "unclassifiable." Not only do air quality monitors show a violation of the 70-ppb threshold, but the county has emissions of volatile organic compounds and nitrogen oxides that are about four times higher than those of any other county in the region, according to an accompanying technical analysis.

"The EPA stands ready to discuss with Texas any additional information that it would like the EPA to consider to support Texas's recommendation that all of Bexar county should be classified attainment," Idsal wrote in



asking state officials to finish making their case by May 11. EPA plans to designate the surrounding seven counties in the San Antonio area as "attainment/unclassifiable," she said.

Ozone, a lung irritant that is the main ingredient in smog, is spawned by the reaction of nitrogen oxides and volatile organic compounds in sunlight. It is linked to asthma attacks in children and worsened breathing problems for people with cystic fibrosis and other chronic respiratory diseases.

From a compliance standpoint, the attainment designations are a milestone because they start the clock for states to come up with cleanup plans for areas that don't meet the standard. San Antonio, which has never been declared in nonattainment for any EPA air quality benchmark, is eager to keep that streak alive ([Greenwire](#), April 6, 2015).

In his letter urging EPA to deem Bexar County in attainment, Abbott cited a study that otherwise predicted "staggering" economic consequences and also warned of "serious national security implications" for military operations in the San Antonio region.

EPA must make all of the other attainment decisions by the end of next month, ruled Gilliam, who sits on the bench for the Northern District of California. In separate litigation awaiting action by U.S. Court of Appeals for the District of Columbia Circuit, the agency has to turn in a status report on where it stands by May 15 ([Greenwire](#), Feb. 7, 2018).

---

Twitter: @SeanatGreenwire | Email: sreilly@eenews.net

Advertisement



---

*The essential news for energy & environment professionals*

© 1996-2018 Environment & Energy Publishing, LLC [Privacy Policy](#) [Site Map](#) [Contact Us](#)

[http://baytownsun.com/news/article\\_3af94d1c-340d-11e8-81f5-e7e857d835c7.html](http://baytownsun.com/news/article_3af94d1c-340d-11e8-81f5-e7e857d835c7.html)

## EPA rejects challenge to ExxonMobil permit

By Matt Hollis [matt.hollis@baytownsun.com](mailto:matt.hollis@baytownsun.com) Mar 30, 2018 Updated 1 hr ago



The Environmental Protection Agency is rejecting a challenge to the Texas operating permit for a portion of ExxonMobil Baytown refinery and petrochemical complex.

In 2016, the Environmental Integrity Project, along with Air Alliance Houston and the Sierra Club, filed an administrative petition questioning the state's decision to apply classifications to a new ethylene production unit as a "minor modification" that wouldn't require it to have additional pollution controls. The groups argued that state regulators were improperly relying on a different permit that set "plantwide applicability" emissions rules that were not in compliance with the Clean Air Act.

Thank you for Reading!

Please log in, or sign up for a new account and purchase a subscription to continue reading.

[Log In](#)



63°  
Overcast  
Gretna

FULL FORECAST

Search

# Air of Uncertainty: DOJ involved in controversial plant emitting 'likely carcinogen'

Updated: Thursday, March 29th 2018, 9:44 pm CDT

Written by: Ryan Naquin, Reporter **CONNECT**

LAPLACE, LA (WVUE) - Louisiana Department of Environmental Quality documents and sources have revealed the Federal Justice Department is involved in an ongoing issue concerning the Denka manufacturing plant in Laplace.

The Environmental Protection Agency classifies chloroprene as likely carcinogen and says the chloroprene emissions coming from the Denka Performance Elastomer facility put people who live and work nearby at the highest risk of developing cancer in the nation.

A sign-in sheet from a meeting hosted by LDEQ on February 1 lists the state and federal agencies reviewing the plant and its chloroprene emissions.

Those in attendance included members of LDEQ, EPA and the Department of Justice.

OFFICE OF ENVIRONMENTAL COMPLIANCE MEETING RECORD				
DATE: 02 01 2018				
AGENCY INTEREST NUMBER AND NAME: Denka AI 199310 Recon 722				
PURPOSE OF MEETING: Conf. call with EPA & B				
MEDIA: AIR				
NAME	ORGANIZATION	TITLE	PHONE #	EMAIL ADDRESS
Guna Gunasekaran	DEQ/ENF/AIR	ESS	225-219-3721	guna@la.gov
Bryan D. Johnston	LDEQ/AIR/ENF		225-219-2450	bryan.johnston@la.gov
Elliot Vega	LDEQ-DEQ	Asst. Sec.	225-219-3180	elliott.vega@la.gov
Qingming Zhang	LDEQ/AIR/Permit		225-219-2557	qingming.zhang@la.gov
Jaime Dugas	LDEQ/AIR/Permit		225-219-2428	jaime.dugas@la.gov
Corinne Thorne	LDEQ/AIR/Permit	Asst. Sec.	225-219-3710	corinne.thorne@la.gov
Regina F. Taylor	LDEQ/AIR/Permit		225-219-2450	regina.f.taylor@la.gov
Diana King	LDEQ/ENF	Asst.	225-219-3187	diana.king@la.gov
Gregory King	LDEQ/ENF	Asst. Sec.	225-219-2450	gregory.king@la.gov
People not present and participated over phone:				
James Leathers (EPA); Steven Shemer (DOJ); Robyn Hanson (DOJ);				
Kathryn Caballero (OECA/HR); Dan Hoyt (OECA/HR).				

Time In: 9:00  
Time Out: 12:30  
Office of Environmental Compliance • Post Office Box 4332 • Baton Rouge, Louisiana 70821-4332 • FAX (225) 219-5708

DOJ representatives, Steven Shemer and Robyn Hanson, participated over the phone.

Shemer is a Justice Department senior attorney, and Hanson is a DOJ trial attorney at the Environment and Natural Resources Division and works for Environmental Enforcement Section, according to the Elisabeth Haub School of Law.

The Department of Justice declined to comment on this report.

"In this particular situation, there could be very real consequences if they find certain misbehavior," Fox 8 Legal Analyst Joe Raspanti said. "But it is common for the different groups to work together."

Denka produces the synthetic rubber Neoprene, which is used to make wetsuits and women's leggings.

The facility is the only producer of Neoprene in the country.

Denka argues the EPA's classification of chloroprene as a likely carcinogen is wrong and believes the agency came to that conclusion using incorrect data.

Thursday when asked specifically about the DOJ, Denka's attorney Jim Harris responded with an emailed response stating, "Denka Performance Elastomer continues to work cooperatively with the U.S. Department of Justice, U.S. Environmental Protection Agency and Louisiana Department of Environmental Quality to resolve these matters."

Raspanti said even though there is no record of Denka or the plant's previous owner DuPont, breaking any laws, possible liabilities could be enforced.

"The company or possibly even the individuals can have civil liability, and the company or individuals can have possibly criminal liability for any alleged environmental misbehavior," Raspanti said.

Louisiana Environmental Action Network's Wilma Subra attending an EPA Region 6 meeting Thursday along with attorneys representing citizens who have sued Denka over its emissions.

"(EPA representatives) were very appreciative of the information we provided but could not comment on their ongoing enforcement proceedings, which are currently taking place in conjunction with DOJ," Subra said.

Denka has invested more than \$25 million in reducing chloroprene emissions. The latest readings from air monitors surrounding the plant are the lowest in nearly two years.

Chloroprene emissions are regularly above the safety standard but Denka does not have to abide by that because it is not an industry standard. Congress would have to change the industry standard.

Copyright 2018 WVUE. All rights reserved.

Can't Find Something?

SEARCH

SEARCH



1625 S. Jefferson Davis  
Pkwy.  
New Orleans, LA 70125  
(504) 486-6161

FCC Public File  
[publicfile@fox8live.com](mailto:publicfile@fox8live.com)  
(504) 486-6161  
EEO Report  
Closed Captioning

[NEWS](#)

[WEATHER](#)

[SPORTS](#)

[VIDEO](#)

[WE INVESTIGATE](#)

[NOLA WEEKEND](#)

[LIFESTYLE](#)

[CONTESTS](#)

[ABOUT US](#)

[LA NEWS NOW](#)

[MS NEWS NOW](#)

All content © Copyright 2000 - 2018 Raycom Media. All Rights Reserved. For more information on this site, please read our [Privacy Policy](#), and [Terms of Service](#), and [Ad Choices](#)

**ENVIRONMENTAL PROJECT**

18 hours ago

# NM Environment Review: More LANL news, plus the Gila River diversion and EPA's Scott Pruitt

By Laura Paskus



Laura Paskus

NMPR on the road: Next week, we'll have a story from Harding County.

We usually send out the New Mexico Environment Review on Thursday mornings. If you prefer reading the news in your email, [sign up \(http://nmpoliticalreport.us13.list-manage1.com/subscribe?u=d0d44f2563c98aa725d144a63&id=be5ca4cdac\)](http://nmpoliticalreport.us13.list-manage1.com/subscribe?u=d0d44f2563c98aa725d144a63&id=be5ca4cdac) to receive that message.

The *Santa Fe New Mexican's* Rebecca Moss keeps up her great coverage of Los Alamos National Laboratory, [this week with a story \(http://www.santafenewmexican.com/news/local\\_news/los-alamos-lab-took-week-to-find-missing-hazardous-waste/article\\_10add1de-0548-50ac-97db-0e6d6c1bde73.html\)](http://www.santafenewmexican.com/news/local_news/los-alamos-lab-took-week-to-find-missing-hazardous-waste/article_10add1de-0548-50ac-97db-0e6d6c1bde73.html) about how the lab took a week to find hazardous waste it had lost.

The *Silver City Daily Press'* (<http://www.scdailypress.com/site/2018/03/28/state-questions-gila-diversion-groups-pace/>)s Benjamin Fisher reported that the state had some questions for the New Mexico Central Arizona Project Entity.

Before approving a nearly \$200,000 higher cost ceiling for yet more engineering, the New Mexico Interstate Stream Commission questioned if the group charged with developing a diversion of water from the Gila and San Francisco rivers could meet upcoming federal deadlines for them to do so at a meeting in Albuquerque on Tuesday.

The *Durango Herald* reported (<https://durangoherald.com/articles/215256>) that Colorado farmers may receive 50 percent of their normal allocations of irrigation water. According to the story.

The major problem for irrigators will not be this year, but next year if Southwest Colorado gets two low snowpack years in succession, [Steve Harris of Harris Water Engineering] said. He cited patterns in 2001 and 2002, the year of the Missionary Ridge Fire, and 2012 and 2013 as examples of back-to-back weak winters, with farmers able to muddle through subpar years in 2001 and 2012 only to be clobbered in 2002 and 2013 when irrigation rations were cut substantially.

"When the real hit may come is next year," he said.

***In case you missed it: East Mountain water application spurs protests from residents, silence from State Engineer (<http://nmpoliticalreport.com/817967/east-mountain-water-application-spurs-protests-from-residents-silence-from-state-engineer/>)***

The Los Angeles Times (<http://www.latimes.com/nation/la-na-new-mexico-permian-basin-20180325-story.html>) took a look at the Permian Basin and what the oil boom may mean for New Mexico's water. From the story:

Southeastern New Mexico has long been a modest producer of oil, but the advent of fracking technology a decade ago turned it into hot property for drillers. Only Texas and North Dakota now extract more oil, and New Mexico is gaining.

Production grew 30% last year to 565,000 barrels a day, almost all of it from the state's portion of the Permian Basin surrounding Carlsbad. Billions of barrels more remain to be tapped in shale deposits 2 miles deep.


Producing massive quantities of one resource requires extreme care for another: water. The risk that fracking can contaminate water supplies and cause other harm has been well documented, from Wyoming to Pennsylvania. But experts say that nowhere is that risk greater than in southeast New Mexico.


The New Yorker (<https://www.newyorker.com/magazine/2018/04/02/scott-pruitts-dirty-politics?platform=hootsuite>) has a feature on U.S. Environmental Protection Agency Administrator Scott Pruitt, and how the EPA "became the fossil-fuel industry's best friend." It's a sobering read:


Pruitt, who is forty-nine, looked cheerful, as he generally does at public appearances. (He declined my requests for an interview.) Unlike many people who have joined the chaotic Trump Administration, he seems unconflicted about his new role, his ideological and career goals fitting together as neatly as Lego blocks. The former attorney general of Oklahoma, Pruitt ascended politically by fighting one regulation after another. In his first year at the E.P.A., he has proposed repealing or delaying more than thirty significant environmental rules. In February, when the White House announced its intention to reduce the E.P.A.'s budget by twenty-five per cent—one of the largest cuts for any federal agency—Pruitt made no objections. His schedule is dominated by meetings and speaking engagements with representatives of the industries he regulates. He has met only a handful of times with environmental groups.


---


## Share this:

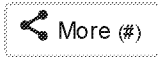
 (<http://nmpoliticalreport.com/819672/nm-environment-review-more-lanl-news-plus-the-gila-river-diversion-and-epas-scott-pruitt/?share=facebook>)

 (<http://nmpoliticalreport.com/819672/nm-environment-review-more-lanl-news-plus-the-gila-river-diversion-and-epas-scott-pruitt/?share=twitter>)

 (<http://nmpoliticalreport.com/819672/nm-environment-review-more-lanl-news-plus-the-gila-river-diversion-and-epas-scott-pruitt/?share=email>)

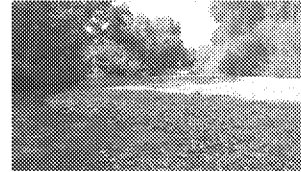
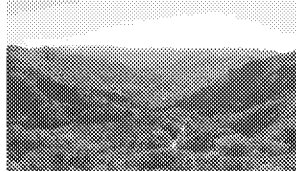
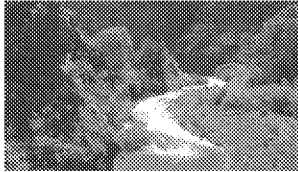
 (<http://nmpoliticalreport.com/819672/nm-environment-review-more-lanl-news-plus-the-gila-river-diversion-and-epas-scott-pruitt/?share=google-plus-1>)

 (<http://nmpoliticalreport.com/819672/nm-environment-review-more-lanl-news-plus-the-gila-river-diversion-and-epas-scott-pruitt/#print>)



---

## Related



(<http://nmpoliticalreport.com/16923/child-advocacy-group-lines-up-against-gila-diversion/>)

[child-advocacy-group-lines-up-against-gila-diversion/](http://nmpoliticalreport.com/16923/child-advocacy-group-lines-up-against-gila-diversion/)

Child advocacy group lines up against Gila diversion

(<http://nmpoliticalreport.com/16923/child-advocacy-group-lines-up-against-gila-diversion/>)  
October 15, 2016  
In "News"

[billion-dollar-gila-diversion-off-the-table/](http://nmpoliticalreport.com/54291/billion-dollar-gila-diversion-off-the-table/)

Billion dollar Gila diversion off the table

(<http://nmpoliticalreport.com/54291/billion-dollar-gila-diversion-off-the-table/>)  
June 25, 2016  
In "News"

[the-politics-of-wrangling-data-on-the-gila-en/](http://nmpoliticalreport.com/143708/the-politics-of-wrangling-data-on-the-gila-en/)

The 'politics' of wrangling data on the Gila

(<http://nmpoliticalreport.com/143708/the-politics-of-wrangling-data-on-the-gila-en/>)  
January 8, 2017  
In "Environmental Project"

## Comments

0 comments



# City Council OKs mandated remediation expenses



(<https://www.panews.com/author/pa.news/>).

By PA News (<https://www.panews.com/author/pa.news/>)

Email the author (<mailto:panews@panews.com>)

Published 2:56 pm Thursday, March 29, 2018

By Ken Stickney

[ken.stickney@panews.com](mailto:ken.stickney@panews.com) (<mailto:ken.stickney@panews.com>)

Port Arthur City Council members have OK'd spending up to \$35,000 for environmental remediation on Locomotive No. 503 at Bryan Park. That action was taken Tuesday.

ADVERTISING

inRead invented by Teads

The city is under a mandate from the Texas Commission on Environmental Quality to address issues of asbestos in or around the soil under the moored steam locomotive, a gift from Kansas City Southern in 1957, which has been displayed at the park for decades.

TCEQ initially gave the city until March 6 to address the environmental concerns, which arose in the aftermath of Hurricane and Tropical Storm Harvey last August. TCEQ later extended the deadline until April 20.

Last summer and fall, neighbors were concerned that floodwaters might exacerbate effects of environmentally dangerous substances on the old locomotive, about a century old, by carrying them into the neighborhood.

## First plan: Scrap it

The city initially planned to scrap the locomotive, which was displayed to remind Port Arthur people of their status as a railroad town. The city entertained contracts to remove the train, which was in decay, from the park as early as November, and signed an agreement in January.

After the Port Arthur News published stories about the plans to scrap the locomotive, local train enthusiasts and train enthusiasts around the country wrote to lament the locomotive's demise.

Jason Sobczynski, whose Kentucky company does train reclamations, visited Bryan Park in February and initiated a GoFundMe page to raise funds to restore the locomotive and send it to Florida, where it would be reactivated. Some 1,262 people around the country contributed \$67,399 toward Sobczynski's fund with the goal of reclaiming the locomotive, making it operational, and sending it out of state. That action slowed the City Council's effort to scrap the locomotive.

But it also irked some Port Arthur residents who did not want the train to leave the community. The City Council on March 6 opted to do the mandated TCEQ remediation and permit local citizens led by John Beard, a former City Council member, to raise funds to repair Locomotive 503.

## Fund established here

Beard said Wednesday that he'd organized "Friends of KCS Engine No. 503" to raise funds and keep the train here.

"The City Council has decided that train is going to stay in Port Arthur," Beard said. "It belongs to us, it was given to us and it is going to stay here."

To that end, Beard said he had established a fund at the Kansas City Southern Credit Union to raise funds. Donations, he said, can be sent to KCS Employees Credit Union, 3800 Highway 365, suite 127, Port Arthur, Texas 77642.

The account is No. 2379 and donations should be sent to the attention of Belinda.

## Proposal coming

Sobczynski said he'll prepare a proposal for the City Council to restore the train, but the city has not requested proposals since March 6. Nor does the city appear to have a timeline for seeking proposals.

Sobczynski said Wednesday that it would cost about \$250,000 to restore the locomotive, and perhaps another \$150,000 to construct a shelter that would protect the locomotive from the salt air. It may cost another \$75,000 to deal with lead paint on the engine, he said.

"They're not going to be able to raise the money," Sobczynski said of the local effort. "That's just a fact."



He said he would prepare a proposal nonetheless in an effort to save the locomotive.

---

**COPYRIGHT**

© 2018, Port Arthur News

LOUISIANA ENVIRONMENT AND FLOOD CONTROL

# Lake Charles area petrochemical firms to pay \$11 million for hazardous waste violations

Updated Mar 29, 3:20 PM;

Posted Mar 29, 3:20 PM



A photo of CITGO's Lake Charles refinery. CITGO Petroleum Corp., Occidental Chemical Corp., OXY USA Inc. and PPG Industries Inc. have agreed to pay \$11 million to federal and Louisiana



governmental agencies to settle charges of polluting part of the Calcasieu River estuary with toxic chemicals, with most of the money to be used to restore natural resources. (CITGO)

1

126  
shares

**By Mark Schleifstein,** [mschleifstein@nola.com](mailto:mschleifstein@nola.com),  
NOLA.com | The Times-Picayune

Three major Lake Charles-area petrochemical companies have agreed to pay \$11 million to federal and Louisiana government agencies to settle charges that they illegally disposed of hazardous waste that damaged natural resources in part of the Calcasieu River estuary for decades, according to a notice in the Thursday (March 29) edition of the Federal Register.

Federal and state officials have been attempting to deal with hazardous wastes found in different water bodies connected to the Calcasieu River that were believed to come from the chemical plants for decades, according to a civil complaint filed in U.S. District Court in Lake Charles on March 22.

In early 1999, the federal Environmental Protection Agency formally opened a remedial investigation aimed at identifying the source of contamination that had been found



in Bayou Verdine, Bayou d'Inde, Coon Island Loop, Clooney Island Loop, Prien Lake, Lake Charles and the Calcasieu River, and ways to limit its toxic effects to natural resources.

That investigation identified four areas of concern, including what became to be known as the Bayou d'Inde Area of Concern. The settlement addresses the contamination in that area.

According to the settlement agreement filed in federal court in Lake Charles on March 22, Citgo Petroleum Corp., Occidental Chemical Corp., Oxy USA Inc., and PPG Industries Inc. will pay \$7.96 million of the settlement money into a special Bayou d'Inde Area of Concern Site Restoration Account. The money will be used on projects "that restore, rehabilitate, replace and/or acquire the equivalent of the natural resources alleged to be injured" as a result of the wastes released or that could still be released by the companies.

---

The companies also will provide \$1.3 million to the U.S. Fish & Wildlife Service and \$1.7 million to the National Oceanic and Atmospheric Administration (NOAA) to reimburse the agencies for past assessment costs. The Louisiana



Department of Environmental Quality will be paid \$62,914, and the Louisiana Department of Wildlife & Fisheries will be paid \$290 for their past assessment costs.

As part of the settlement, the state of Louisiana agreed not to press additional civil charges or administrative actions against the companies to recover any additional natural resource damages.

According to the civil complaint filed with court at the same time as the settlement agreement, all of the companies or predecessor companies that originally owned their chemical facilities were found to have either improperly discharged waste into local rivers and bayous that feed Bayou d'Inde, or discharged into the waterways through permitted points at rates higher than allowed by then-existing permits. In some cases, wastes stored in unlined pits or landfills washed into the waterways or moved through groundwater into the waterways.

The wastes included a variety of toxic heavy metals, including chromium, zinc and mercury; a variety of toxic chemicals, including PCBs, hexachlorobutadiene and hexachlorobenzene; and dioxin compounds.



"The releases of hazardous substances at or from the defendants' facilities in the (Bayou d'Inde Area of Concern) caused injury to, destruction of, or loss of natural resources within Calcasieu Estuary," the complaint said.

As part of the damage assessment process, in 2011 the state Department of Environmental Quality conducted a remedial action on four segments of Bayou d'Inde that included capping and removal of some contaminated sediments in parts of the bayou channel, and the capping of contaminated sediments in the Lockport Marsh area and in some fringe marsh areas. PPG, Citgo, Occidental, Oxy USA and by Axiall Corp. assisted in that action.

The public can send comments to the U.S. Justice Department on the proposed settlement for 30 days by email at [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov), or by mail to Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, D.C., 20044-7611.

The comments will be presented to a federal judge in Lake Charles for consideration before the settlement agreement is approved.

The consent decree is available online at the [Justice Department web site](#). A paper copy of the consent decree is available by sending a request and a check or money order for \$9.75 to Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, D.C., 20044-7611.



---

Registration on or use of this site constitutes acceptance of our **User Agreement** and **Privacy Policy**

© 2018 NOLA Media Group. All rights reserved (**About Us**).

The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of NOLA Media Group.

**Community Rules** apply to all content you upload or otherwise submit to this site.

▶ **Ad Choices**





(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>) 

# Louisiana's Working Coast

Creating a Resilient Coastal Economy through the  
State's Coastal Master Plan



(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

Louisiana's coast is a precious natural, economic, and cultural resource. South Louisiana manages to be many things at once: a center of culture, a haven for wildlife and fisheries, and an economic hub of national importance. These roles might seem mutually exclusive, and in most other places they probably would be. But in south Louisiana, we make these different roles work together, all while delivering a wealth of goods and services to our state and nation. Our nation depends on the value of Louisiana's Working Coast.

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

## ***What is the Working Coast?***

Louisiana's coast is an economic hub of national importance; the landscape provides for energy, industry, and port activities, as well as for wildlife and fisheries.

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)



Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

When treated like an economic asset, the value of the Mississippi River Delta's natural capital was calculated to be \$330 billion to \$1.3 trillion per year. (5) However, this number could grow as we learn more about how to match economic appraisals to the value of our coast. This

(<http://coastal.la.gov/>)

**makes a compelling case to**  
**Our Plan (<http://coastal.la.gov/our-plan/>)**  
**ensure that we protect and**  
**sustain coastal Louisiana.**

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

In addition to land loss, our coast is facing increasing storm surge-based flood risk. The impacts of land loss and increased flood risk would be detrimental to both Louisiana's Working Coast, and to the services it provides to the nation, if no action is taken.

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)



Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

Outside of CPRA, institutions such as Louisiana State University (LSU), Tulane University, University of New Orleans, Louisiana Universities Marine Consortium (LUMCON), among others are investing in coastal research, expanding collaborations, and developing new tools, intellectual property, and

other technologies to create  
solutions that can be  
(<http://coastal.la.gov/>)  
employed here at home and  
around the world.

Our Plan (<http://coastal.la.gov/our-plan/>)

Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)



Our Plan (<http://coastal.la.gov/our-plan/>)

(<http://coastal.la.gov/>)

For more information on the 2017 Coastal Master Plan, please visit <http://coastal.la.gov/our-plan/> (<http://coastal.la.gov/our-plan/>) or contact us at [MasterPlan@la.gov](mailto:MasterPlan@la.gov).

- |  |   |
|--|---|
| (1) Stone, Kathryn. (2015). A Deeper Mississippi River on The Horizon. The Maritime Executive. Accessed 25 September 2017. | <a href="http://www.maritime-executive.com/article/a-deeper-mississippi-river-on-the-horizon">http://www.maritime-executive.com/article/a-deeper-mississippi-river-on-the-horizon</a> . |
| (2) United States Census Bureau.   | <a href="http://www.census.gov/foreign-">http://www.census.gov/foreign-</a>   |

(2016). Foreign Trade: State Exports  
(<http://coastal.la.gov/>) from Louisiana. Top 25 6-digit HS  
Commodities Based on 2015 Dollar  
Value. Accessed 16 February 2017.

[trade/statistics/state/data/la.html](http://trade/statistics/state/data/la.html).  
Our Plan (<http://coastal.la.gov/our-plan/>)

(3) Buskey,  
Nikki. (2013).  
Ecotourism  
is a Growing  
Industry.  
Houma  
Today.  
Accessed 25  
September  
2017.

<http://www.houmatoday.com/news/20130321/ecotourism-is-a-growing-industry>.

(4) Jacobs, Nicole. (2017).  
Tourism and Petroleum  
Industries Thrive in America's  
Gulf Coast States. Energy in  
Depth.

<https://energyindepth.org/national/the-petroleum-and-tourism-industries-thrive-in-americas-gulf-coast/>.

(5) Batker,  
D., Torre, I.,  
Costanza,  
R.,  
Swedeen,  
P., Day, J.,  
Boumans,  
R., Bagstad,  
K. (2010).  
Gaining  
Ground.  
Wetlands,  
Hurricanes  
and the  
Economy:  
The Value  
of  
Restoring

<https://pdxscholar.library.pdx.edu/mwg-internal/de5fs23hu73ds/progress?id=bGgPwalciG5DLY3mdgGSbE9ww9P15t9KQEJUHIWPTa4,&dl>.

the  
(<http://coastal.la.gov/>) Mississippi  
River Delta.  
Earth  
Economics.  
Tacoma,  
WA

Our Plan (<http://coastal.la.gov/our-plan/>)

(6) Plyer,  
Allison. "The  
Coastal Index  
2017". The  
Data Center.  
June 14, 2017.

[http://www.datacenterresearch.org/reports\\_analysis/the-coastal-index-2017/](http://www.datacenterresearch.org/reports_analysis/the-coastal-index-2017/)



# As lawsuits over Texas chemical disaster add up, advocates blame Arkema and rules regulating it

Two counties, dozens of first responders and hundreds of neighbors claim in court documents that the Arkema chemical manufacturing plans committed negligence. Environmental advocates say lax industry regulations exacerbated the disaster.

BY EMMA PLATOFF    MARCH 30, 2018    8 HOURS AGO



The Arkema chemical plant in Crosby, where a pressure release after a power failure during Hurricane Harvey caused an evacuation. 📷 Michael Stravato for The Texas Tribune

# In Harvey's Wake

*The devastation was swift, and the recovery is far from over. [Sign up](#) for our ongoing coverage of Hurricane Harvey's aftermath. You can help by [sharing your story here](#) or sending a tip to [harvey@texastribune.org](mailto:harvey@texastribune.org). [MORE IN THIS SERIES](#) →*

CROSBY — Most of the houses along Crosby Eastgate Road and its neighboring streets are one-story outfits on sprawling green lots. In their driveways are spare trucks, old armchairs or small motorboats; grazing their grass are horses and cows. Some houses are raised on stilts; others look abandoned.

And many of them belong to plaintiffs suing their neighbor on Crosby Eastgate: an Arkema Inc. chemical manufacturing plant.

It's hard, on a sunny March morning seven months removed from the storm that devastated this community, to picture the floods. On dry days, the brown water in the roadside drainage ditches sits relatively low. But in August, when Hurricane Harvey dropped 50 inches of rain on the Houston area, it surged up into the street, nearly swamping the head-high wire fence lining the road.

On the east side of that fence, the floods submerged much of the chemical manufacturing plant. It was seven feet of that water, swampy and brown and by some accounts carrying an oily chemical sheen, that caused the plant's refrigerated containers to fail; it was the resulting high temperature that caused the chemicals to degrade; and it was those hot chemicals that ruptured their containers and caused a series of chemical fires over most of the following week.

---

The Texas Tribune thanks its sponsors. Become one.

---



Homes in view of the Arkema chemical plant in Crosby, Texas. 📷 Michael Stravato for The Texas Tribune

Those chemicals, the Crosby plaintiffs say in their lawsuits, contaminated the surrounding community's air and water, causing the respiratory problems, pneumonia, headaches, nausea and dizziness that still plague some neighbors and first responders. And that, plaintiffs say, was because the plant had failed to take proper precautions for a severe storm — and because industry regulators let them get away with it.

Officials from the Environmental Protection Agency and Arkema assured residents at the time that the air and water were not dangerous. The EPA said in early September that the samples it collected did not exceed Texas limits.

Nevertheless, the sick plaintiffs blame Arkema, and are seeking millions in damages. Neighbors are suing for personal injury; homeowners are suing over contamination in their neighborhood; two counties, Harris and Liberty, are suing as well. Some of the first responders who were dispatched to the site when the chemicals began to burn have also signed onto lawsuits.

Still, some environmental advocates argue that what should truly be on trial is the state's — and nation's — lax chemical regulations.

Arkema “absolutely, absolutely” needed to plan better, said Ilan Levin, associate director of the Environmental Integrity Project, a national watchdog group. But “you can’t point the finger at just one party.”

“This is an EPA failure and a state of Texas failure,” Levin said. “The watchdogs and the regulators are empowered to make sure that companies follow the rules... But because the regulators have really paid little attention to the [risk management] program, they’ve just made it easy for industry to comply.”

---

The Texas Tribune thanks its sponsors. Become one.

---

## The early hours of Aug. 31

He has never been able to describe the smell exactly.

The Harris County Sheriff’s Office deputy, who asked to remain anonymous out of fear of retaliation from his department, is reminded of it when he smells diesel fuel. Sometimes the headache even comes back. But it wasn’t quite diesel.

When his unit was dispatched for a 12-hour shift outside the Arkema plant on the evening of Aug. 30, they were told the degrading chemicals would soon explode, he said. Working the perimeter of the 1.5-mile evacuation zone in the dark, he couldn’t see the hundred-foot high plume of black smoke that would soon be shown in the pages of newspapers across the state. But he could smell it.

He said he heard an explosion that sounded like a series of pops. Then came that unnamable smell. Then the headache — it came on “like a lightswitch,” he said. “Not just a nagging headache — a *headache*,” he said. It would stay with him for months, he said.

First responders briefly left the area, then were directed back to it, “grumbling,” he recalled. They gathered at the intersection of Lindstrom Road and Highway 90, about two miles from the site.

The first responders’ lawsuit paints a grim picture of that moment: Law enforcement officers “doubled over vomiting, unable to breathe.” Medical personnel called to the scene to help them soon “became overwhelmed and they too began to vomit and gasp for air.”

In the midst of those symptoms, the officer remembers the confusion.

“What just happened? What did we just get into? We’re wanting answers, we’re wanting information, what is this?” he said. “‘Organic peroxide,’ That’s all we know. And [the EMTs] are ... Googling it on the side of the road.”

---

The Texas Tribune thanks its sponsors. Become one.

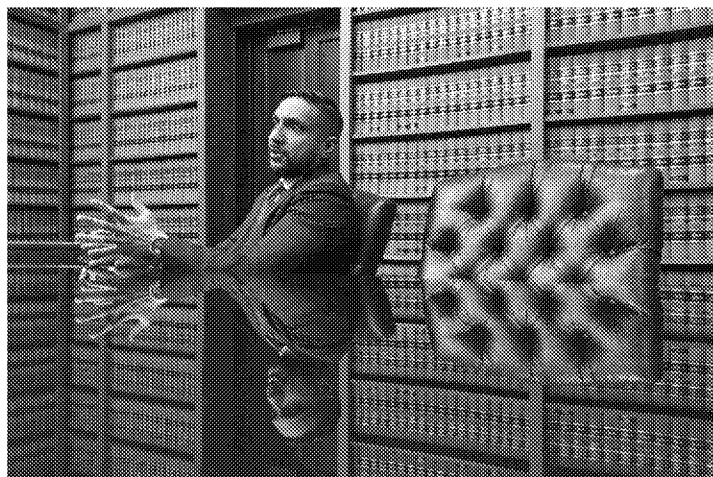
---

Mo Aziz, a lawyer representing more than 100 plaintiffs in several lawsuits tied to the Arkema case, sees many parallels between Arkema and the litigation he worked on after a 2013 fertilizer plant explosion that leveled a whole section of the town of West and killed 15 — most of them first responders. The most striking link between the two cases, Aziz said, “is first responders not getting enough information about what they were being sent to do.”

Companies like Arkema have to file certain hazard documents with local emergency planning committees, though it’s not clear how that information is then disseminated to first responders. And those documents, lawyers and advocates say, don’t offer enough information to adequately plan for an event like this type of chemical plant disaster.

Arkema didn’t lay out plans for the Aug. 31 scenario because it wasn’t required to. Even internal documents gave employees minimal instruction — just one paragraph — for handling major floods, and there were no plans for floods exceeding three feet, the Houston Chronicle reported.

Though they are public records under state law, plants’ chemical hazard documents are difficult to access, and became more so after then-Attorney General Greg Abbott threw up a roadblock in 2014. Citing the need to keep sensitive information hidden because of “ongoing terroristic activity,” Abbott ruled that the state no longer had to release plants’ chemical inventories, saying the companies themselves would. But not all companies do, and it’s not clear that any state agency forces them to. Federally-mandated risk management plans can be viewed by appointment only in one of the state’s handful of federal reading rooms.



Lawyer Mo Aziz at his Houston office on March 20, 2018. 📷 Michael Stravato for The Texas Tribune



And even if neighbors can track them down, the records contain relatively little practical information, lawyers and advocates said.

Arkema held emergency preparedness training sessions for its site with local responders, though neither the company nor the Crosby Volunteer Fire Department nor the Harris County Sheriff's Office would say how often those took place or what they included. The Harris County Fire Marshal's Office, which was involved in emergency response that night, deferred questions to Rock Owens, a Harris County environmental attorney representing the county against Arkema.

In the hours before they were sent to the site, first responders were briefed by the Harris County Fire Marshal's Office, Owens said. But the deputy said he was not told what to expect, just told to guard the perimeter of the 1.5-mile evacuation zone.

The briefing did not include specific details like chemical names, Owens said, but first responders were advised to stay out of the 1.5-mile zone and avoid the smoke cloud. That advice, the sheriff's deputy said, was insufficient.

"We were told a mile and a half was safe, but obviously it wasn't," he said.

It would have been difficult for any briefing that did take place to address the particular scenario that played out, because it wasn't one Arkema had planned for in public documents. Local officials at the time didn't know what was in the air, and no Arkema employees were on site during the fires to tell them.

Even though Arkema didn't have a plan for a Harvey-level flood, it did have a boat on site that some employees used to evacuate. An Arkema spokeswoman said employees were required to evacuate.

### **"A reasonable thing"**

Months later, dozens of plaintiffs are still receiving medical treatment and their doctors are still trying to determine what they inhaled that night, Aziz said.

"The experts we hired are going to have to piece this together," Aziz said. "Nobody from Arkema has said, 'Hey, man, this was the mix that got your guy, or hurt him or her.' Nobody's saying, 'This is what you should be treating them for.'"


Part of the problem is that chemical safety reporting requirements are flawed, environmental advocates said. One of the documents that companies like Arkema must submit, a federally-mandated risk management plan, must include worst-case scenarios, but only those that would result from a certain list of toxic chemicals. Industry lobbyists, advocates said, work to keep other dangerous materials off that list.

Arkema's risk management plan, as required, laid out worst-case scenarios that could have resulted from the isobutylene and sulfur dioxide stored on site. But it didn't mention a scenario like the one that happened in the early hours of Aug. 31, when the plant's organic peroxides degraded and ruptured their holding containers. Those chemicals — which are not on the risk management plan list — all combined, Aziz said, and Arkema never planned for that mixture.

The mix was a “novel exposure,” said Kevin Thompson, a West Virginia-based attorney representing about 660 residents in a lawsuit against Arkema. “What you ended up with was a mix unknown to man.”

EPA doesn't require that companies lay out the potential mixes that could result from chemicals that aren't on the limited risk management plan list. But the lawyers suing Arkema, as well as environmental advocates, say the company should have prepared for that eventuality.



Debris resulting from a series of chemical fires at the Arkema plant in Crosby, Texas.  Chemical Safety Board

That would be “a reasonable thing,” Owens, the Harris County lawyer, said. “That's what they should've done.”

In guidance last updated in 2004, the EPA advises companies writing their risk management plans to “ask yourself how much of the regulated substance could be released if the worst happens.” The agency gives examples of what the worst might look like: “a major fire, an explosion, a natural disaster.” Plaintiffs described all three, but the chemicals that burned weren't “regulated substances.”

Environmental advocates said dangerous chemical releases in Texas are largely a failure of enforcement.

“No one's reviewing the risk management plans for adequacy,” said Elena Craft, senior scientist at the Environmental Defense Fund. (The EPA did not return several requests for comment). It's “nonsense,” she said, that Arkema's plant identifies flooding as a concern, but doesn't take sufficient steps to prepare for it.

“The only way, in my mind, that that type of thing can be corrected is with some sort of oversight coming in and saying, ‘Does this pass the due diligence test? Does this make sense as a plan?’ If it doesn't, then they need to correct it,” Craft said.

Arkema has argued that the situation wasn't foreseeable. Hurricane Harvey, company officials said at the time, brought an "unprecedented" amount of water.

For many who live in the area, that argument is unconvincing. The Arkema plant sits in a floodplain.

"It's absurd not to consider these types of events that every Houstonian knows are a fact of life," said Levin, an environmental advocate. "Industry should prepare for these."

## Obama's rule

The Chemical Disaster Rule, as it has come to be known, was finalized in the waning weeks of Barack Obama's presidency, and published just days before he left office.

Largely a response to the West explosion, the rule aimed to improve chemical safety practices and prevent similar tragedies.

Perhaps most relevant to the Arkema disaster, it would have made it easier for the public to access hazard-planning documents. And it would have required increased coordination with first responders, including by requiring companies to provide increased emergency planning information to local officials and to hold more frequent meetings and trainings.

The rule was set to take effect March 14, 2017 — less than six months before Harvey struck Texas — although companies would have had at least a year to comply with the major changes. Then Scott Pruitt, Trump's EPA administrator, delayed it on March 13, first for just a few weeks, and then, in June, for almost two years.

The rule had long faced opposition, including from Arkema and the state of Texas. Industry groups argued it would add new costs and jeopardize safety.

"We have significant concerns with providing security-sensitive information where disclosure of such information could create a risk to our sites and to the communities surrounding them," Arkema told the EPA in May 2016.

Texas, along with 10 other states, said the rule would have required "unprecedented public disclosure of facility information that will threaten local communities and homeland security."

The EPA said at the time that delaying the new rule had "no effect" on the major safety requirements in place when Harvey struck. But Mathy Stanislaus, a former EPA assistant administrator who worked on the rule during the Obama administration, said last year that while the new rule would likely not have prevented the incident, it could have greatly reduced the risk to first responders. Environmental advocates said that though

compliance dates were long in the future, the new rule would have forced chemical plants to at least begin planning for the tightened regulations.

The American Chemistry Council — an industry group of which Arkema is a member — wrote that many of the new rules “will impose significant new regulatory requirements that will not result in a reduction of the risk of accidental releases, and could, in some cases, actually increase the risk.”

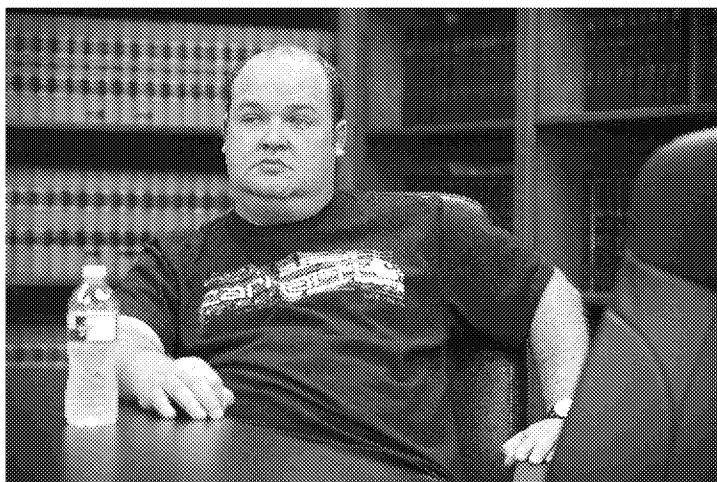
“When correctly implemented and enforced, the current RMP regulations are highly effective in minimizing the risk of accidental chemical releases,” the ACC said.

But the current EPA regulations hadn’t prevented a long list of other issues at the Arkema plant.

In 1994, a five-year-old girl was severely burned during a sulfuric acid release at the plant, the Chronicle reported. A 1999 explosion at the plant was attributed to organic peroxides, the same group of chemicals that burned in 2017. In 2006, the facility was cited for a fire resulting from improperly stored organic peroxides. In 2011, it failed to maintain proper temperatures of its thermal oxidizer, a machine generally used to break down volatile compounds. As recently as 2016, the Occupational Safety and Health Administration cited the Crosby plant for several safety violations; Arkema paid nearly \$92,000 to settle up.

The recent lawsuits against Arkema are all likely to take years. The only one of Aziz’s cases that has been set for trial is scheduled for January 2020. As they wait, the plaintiffs are left to wonder how exactly they’ve been damaged.

“I don’t know what was out there. I know whatever it was hit me quick,” said Shane Doby, a 40-year-old plaintiff who lives outside the 1.5 mile zone around the Arkema plant.



Shane Doby, a Crosby resident suing the Arkema chemical plant. © Michael Stravato for The

Sitting at his lawyer’s long conference room table, Doby explained that he was exposed to the chemical smell while driving to work at a different chemical plant one morning on a route that kept him well outside the evacuation zone.

“I’m the only provider in my household,” said Doby, who said he inhaled black smoke through his open car window. His symptoms — mostly respiratory problems; he was treated for pneumonia — have

Texas Tribune

largely abated, though he's still receiving treatment. He worries that they'll come back. "If it's something that's chronic,

that's going to come on later in life, I want my children taken care of."

Hurricane season is over, and the skies above the Arkema plant have cleared. An undamaged tank on the plant's north side that reads "safety in action," covered in murky water during the storm, is now exposed to the sun. The facility hasn't been operational since before Harvey hit, and its electric power returned just this month.

A company spokeswoman says Arkema expects to begin business again later this year after "identifying and mitigating against foreseeable risks."



A tank at the Arkema chemical plant in Crosby, Texas. © Michael Stravato for The Texas Tribune

### Read related Tribune coverage:

- [Crosby plant explosion highlights state efforts to block access to chemical information](#)
- [First responders sue Harvey-flooded plant after chemical fire](#)
- [Explosions reported at Harvey-flooded chemical plant in Crosby](#)

 **Start the conversation**

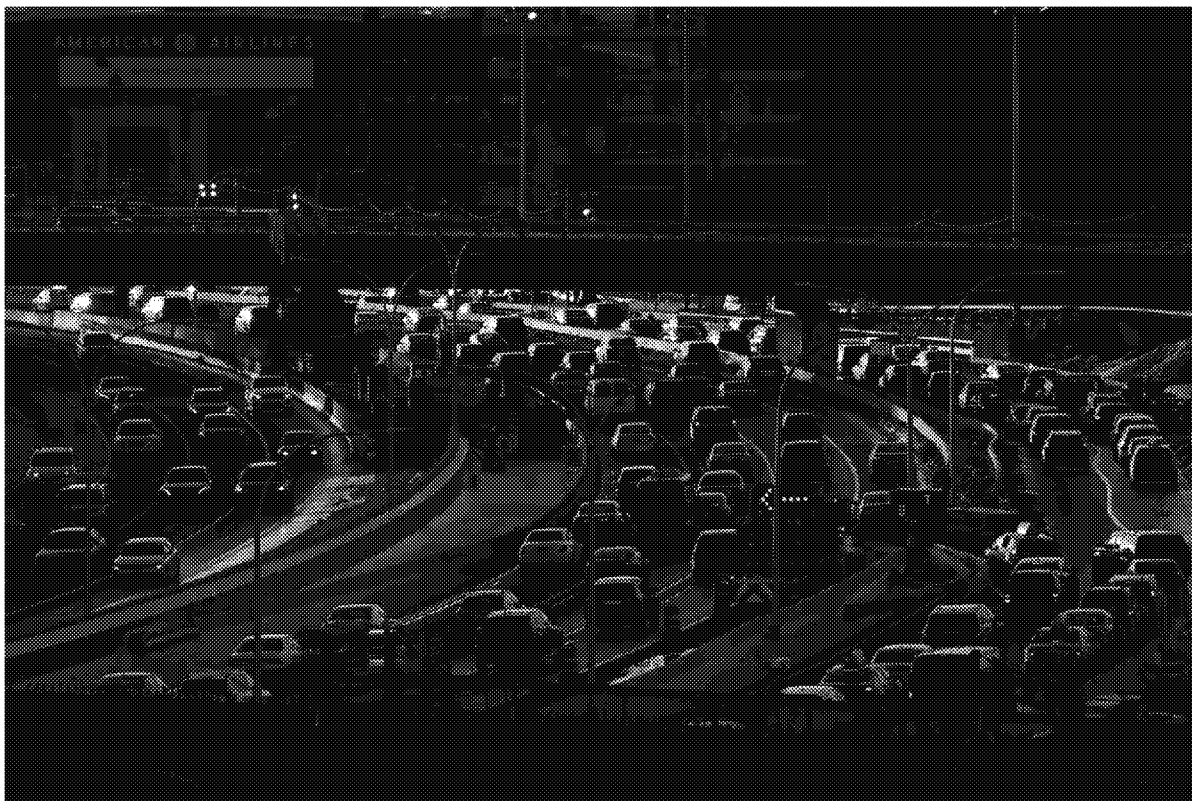
---

**SUPPORT OUR NONPROFIT NEWSROOM. DONATE NOW.**



## The New York Times

# *E.P.A. Prepares to Roll Back Rules Requiring Cars to Be Cleaner and More Efficient*



The Obama-era rules to be reconsidered were designed to address global warming and put the United States at the forefront of global car-efficiency regulation.

Karsten Moran for The New York Times

**By Coral Davenport** (<https://www.nytimes.com/by/coral-davenport>) and  
**Hiroko Tabuchi** (<http://www.nytimes.com/by/hiroko-tabuchi>)

March 29, 2018

The Trump administration is expected to launch an effort in coming days to weaken greenhouse gas emissions and fuel economy standards for automobiles, handing a victory to car manufacturers and giving them ammunition to potentially roll back industry standards worldwide.

The move — which undercuts one of President Barack Obama's signature efforts to fight climate change — would also propel the Trump administration toward a courtroom clash with California, which has vowed to stick with the stricter rules even if Washington rolls back federal standards. That fight could



end up creating one set of rules for cars sold in California and the 12 states that follow its lead, and weaker rules for the rest of the states, in effect splitting the nation into two markets.

Scott Pruitt, the head of the Environmental Protection Agency, is expected to frame the initiative as eliminating a regulatory burden on automakers that will result in more affordable trucks, vans and sport utility vehicles for buyers, according to people familiar with the plan.

An E.P.A. spokeswoman confirmed that Mr. Pruitt had sent a draft of the 16-page plan to the White House for approval.

The particulars of the plan are still being worked out. Those specifics, which are expected this year, could substantially roll back the Obama-era standards, according to two people familiar with the deliberations.



The E.P.A. administrator, Scott Pruitt, is expected to unveil the plan in the coming days.  
Al Drago/The New York Times

“This is certainly a big deal,” said Robert Stavins, director of the Harvard environmental economics program. “The result will be more gas-guzzling vehicles on the road, greater total gasoline consumption, and a significant increase in carbon dioxide emissions.”



**You have 1 free article remaining.**

**Subscribe to The Times**

**(<https://www.nytimes.com/subscription/multiproduct/lp8XKUR.html?campaignId=79QKQ>)**

According to two people familiar with the E.P.A.'s plans, Mr. Pruitt was scheduled to formally announce his proposal on Tuesday at an auto dealership in the Virginia suburbs, but the schedule remained in flux.

Major automakers would welcome the change. They are prepared to participate in making new rules that meet "our customers' needs for affordable, safe, clean and fuel-efficient transportation," said Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, which represents many of the world's largest automakers.

In California, state lawyers said they were expecting a fight. The state has a special waiver under the 1970 Clean Air Act empowering it to enforce stronger air pollution standards than those set by the federal government, a holdover from California's history of setting its own air pollution regulations before the federal rules came into force. "We're prepared to do everything we need to defend the process," said Xavier Becerra, the attorney general of California, in an interview.

The California waiver gives the state considerable power to require automakers to stick to stricter standards. Not only is California a huge car market itself, but 12 other states including New York, Massachusetts and Pennsylvania have historically followed its lead. Together they represent more than a third of the domestic auto market.

"We're going to defend first and foremost existing federal greenhouse gas standards," Mr. Becerra said. "We're defending them because they're good for the entire nation. No one should think it's easy to undo something that's been not just good for the country, but good for the planet."

Mr. Pruitt has signaled that he is ready to take on such a challenge.

"California is not the arbiter of these issues," he said in [an interview with](https://www.bloomberg.com/news/articles/2018-03-13/epa-chief-signals-showdown-with-california-on-tailpipe-standards) (<https://www.bloomberg.com/news/articles/2018-03-13/epa-chief-signals-showdown-with-california-on-tailpipe-standards>) [Bloomberg TV](https://www.bloomberg.com/news/articles/2018-03-13/epa-chief-signals-showdown-with-california-on-tailpipe-standards) (<https://www.bloomberg.com/news/articles/2018-03-13/epa-chief-signals-showdown-with-california-on-tailpipe-standards>) this month.

Under the Obama administration, the federal government toughened tailpipe pollution standards to match California's. Mr. Pruitt said the state standards "shouldn't and can't dictate to the rest of the country what these levels are going to be."

The E.P.A.'s senior clean air adviser, William Wehrum, this week traveled to California and met with the state's top clean air official, Mary Nichols. Both sides declined to detail what was discussed.

On Wednesday, a coalition of free-market groups including the Competitive Enterprise Institute urged Mr. Pruitt to take California on. "It is time for the E.P.A. to act," the groups said. If the agency did not act quickly, the groups said, "people across the state of California will be facing unrealistic and costly mandates which threaten their basic right to choose."

President Trump has also spoken about rolling back the efficiency rules, known as Corporate Average Fuel Economy, or CAFE. "I'm sure you've all heard the big news that we're going to work on the CAFE standards so you can make cars in America again," Mr. Trump said at a Detroit auto research facility in March last year. "We want to be the car capital of the world again. We will be, and it won't be long."

The rules, aimed at cutting tailpipe emissions of carbon dioxide, a major contributor to global warming, were one of the two pillars of Mr. Obama's climate change legacy. Put forth in 2012, they would have required automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025.

If fully implemented, the rules would have cut oil consumption by about 12 billion barrels and reduced carbon dioxide pollution by about six billion tons over the lifetime of all the cars affected by the regulations, according to E.P.A. projections.

The rules also would have put the United States, historically a laggard in fuel economy regulations, at the forefront worldwide in the manufacture of electric and highly fuel efficient vehicles. The United States and Canada are the only major nations that have adopted mandatory emissions standards through 2025. The European Union has only recently proposed standards for 2025 and 2030, while China has only started to work on standards for those years.

Less restrictive regulations in the United States could provide an opening for automakers to push for more lenient standards elsewhere as well, leading to the emission of more pollution by cars around the world. While sales of

electric vehicles are starting to take off, they still represent barely 1 percent of global car sales. A shift among car buyers toward larger cars and trucks (<https://www.nytimes.com/2018/03/03/climate/suv-sales-global-climate.html>) is already impeding progress in fuel economy.

“The concern is that automakers will go around the world basically trying to lobby regulators, saying, look, because the United States has reduced the pace, everywhere else should too,” said Anup Bandivadekar, a researcher at the International Council on Clean Transportation, a think tank that focuses on clean car technology and policy. Global carmakers “apply developments in one region to lobby for changes in other regions.”

American automakers initially accepted the plan by Mr. Obama in 2009 to harmonize what was then a hodgepodge of pollution and efficiency standards set by the E.P.A., the National Highway Traffic Safety Administration and California. And the automakers weren’t in much of a position to resist; they had just taken an \$80 billion bailout to survive a global economic crisis. The plan would have spurred automakers to speed their development of highly fuel-efficient vehicles including hybrid and electric cars. But within weeks of Mr. Trump’s inauguration last year, the chief executives of the nation’s Big Three auto companies met with him in the Oval Office to say that the Obama tailpipe standard was too difficult to achieve.

Mr. Obama’s regulations were announced in the Rose Garden in 2009, left, after the government bailout of the auto industry. In 2015, Mr. Obama discussed the policies at a Ford plant in Michigan. Left: Doug Mills/The New York Times; Right: Paul Sancya/Associated Press

Mr. Trump directed the E.P.A. under Mr. Pruitt to craft a new, less strict set of standards. The announcement expected on Tuesday would represent the first legal step in the process.

While Mr. Pruitt's proposal to open up the Obama rules to review isn't expected to include specific targets, "The proposed rollback is going to be quite a significant number," said Myron Ebell, who led Mr. Trump's E.P.A. transition team and directs the energy and environment policy at the Competitive Enterprise Institute, a Washington research organization that questions the established science of human-caused climate change. "It will be more than a couple m.p.g.," he said.

If the legal fight between California and the Trump administration escalates, one possibility is that the federal government might try to revoke the waiver allowing California to set its own rules. Some presidents, including George W. Bush, have considered revoking the waiver, but none have tried.

The announcement by Mr. Pruitt was not expected to include a decision on challenging the waiver.

Mr. Ebell suggested that one possible legal tactic for the Trump administration could be to announce that it will refuse to renew the current waiver on tailpipe emissions, which expires in 2025, rather than to revoke it outright. That would likely delay a court fight until California moves to set standards that go beyond 2025.

But such a move would also likely formalize, at least for the time being, two different sets of rules in the United States — the federal emissions rules, and California's stricter ones — a logistical headache for the industry.

While California and its ally states have long followed separate smog standards, those have been easier for automakers to meet because a car can be brought into compliance by adding a catalytic converter, for example. Designing for separate mileage standards is more difficult, because fuel economy is dependent on a car's weight and design.

A divided market could require substantially different car designs, experts say, putting the American auto industry into uncharted territory. It remains unclear how the issue might be resolved. One possibility is that two very different auto markets emerge, one with cleaner cars generally along the coasts, and another with more polluting cars concentrated in Middle America.

On the other hand, automakers might also opt to generally adhere to the stricter California standards nationwide, blunting the impact of any Trump administration rollback of federal rules.

The automakers had hoped to avoid these complex scenarios by using their clout with the Trump administration to force California to go along with a relaxation of federal regulations. But “if they thought this would end by California rolling over and giving up its more stringent standards,” said Kevin Poloncarz, a San Francisco lawyer who focuses on air and climate change law, “that was a miscalculation.”

As a result, the automakers’ victory might come with unexpected headaches for them, said Jody Freeman, a Harvard law professor and former counsel to the Obama administration.

For instance, if the rest of the world moves toward stricter rules anyway, the American market could find itself an industry laggard, ceding leadership in clean vehicle technology to markets like China or the European Union. “I don’t really know if the auto industry wants what this administration might be doing,” she said. “It might be like the dog that caught the car.”

Coral Davenport covers energy and environmental policy, with a focus on climate change, from the Washington bureau. She joined The Times in 2013 and previously worked at Congressional Quarterly, Politico and National Journal. [@CoralMDavenport](https://twitter.com/CoralMDavenport) (<https://twitter.com/CoralMDavenport>) | [Facebook](https://www.facebook.com/coral.davenport.1) (<https://www.facebook.com/coral.davenport.1>)

Hiroko Tabuchi is a climate reporter. She joined The Times in 2008, and was part of the team awarded the 2013 Pulitzer Prize for Explanatory Reporting. She previously wrote about Japanese economics, business and technology from Tokyo. [@HirokoTabuchi](https://twitter.com/HirokoTabuchi) (<https://twitter.com/HirokoTabuchi>) | [Facebook](https://www.facebook.com/hirokotabuchinyt) (<https://www.facebook.com/hirokotabuchinyt>)

A version of this article appears in print on March 29, 2018, on Page A1 of the New York edition with the headline: U.S. Set to Blunt Pollution Rules For Automakers. Order Reprints (<http://www.nytreprints.com/>) | Today's Paper (<http://www.nytimes.com/pages/todaypaper/index.html>) | Subscribe (<https://www.nytimes.com/subscriptions/Multiproduct/lp8HYKU.html?campaignId=48JQY>)

(<https://www.facebook.com/dialog/feed?>

app\_id=9869919170&link=https%3A%2F%2Fwww.nytimes.com%2F2018%2F03%2F29%2Fclimate%2Fepa-  
cafe-auto-pollution-rollback.html&smid=fb-  
share&name=E.P.A.%20Prepares%20to%20Roll%20Back%20Rules%20Requiring%20Car  
([https://twitter.com/intent/tweet?](https://twitter.com/intent/tweet?url=https%3A%2F%2Fwww.nytimes.com%2F2018%2F03%2F29%2Fclimate%2Fepa-)

url=https%3A%2F%2Fwww.nytimes.com%2F2018%2F03%2F29%2Fclimate%2Fepa-  
cafe-auto-pollution-  
rollback.html&text=E.P.A.%20Prepares%20to%20Roll%20Back%20Rules%20Requiring%20  
(mailto:?

subject=NYTimes.com%3A%20E.P.A.%20Prepares%20to%20Roll%20Back%20Rules%20

era%20pollution%20standards.%0A%0Ahttps%3A%2F%2Fwww.nytimes.com%2F2018%2F03%2Fclimate-epa-rollback.html) 1041

# The New York Times

Go to Home Page » (/)

(/)

## NEWS

## OPINION

## ARTS

## LIVING

## LISTINGS & MORE

© 2018 The New York Times Company (<https://www.nytimes.com/content/help/rights/copyright/copyright-notice.html>)

Contact Us (<https://myaccount.nytimes.com/membercenter/feedback.html>) Work with us (<http://www.nytimes.com/careers>)

Advertise (<http://nytimes.com/advertise>) Your Ad Choices (<https://www.nytimes.com/content/help/rights/privacy/policy/privacy-policy.html#pp>)

Privacy (<https://www.nytimes.com/privacy>) Terms of Service (<https://www.nytimes.com/ref/membercenter/help/agree.html>)

Terms of Sale (<https://www.nytimes.com/content/help/rights/sale/terms-of-sale.html>) Site Map (<http://spiderbites.nytimes.com>)

Help (<https://mobile.nytimes.com/help>) Subscriptions (<https://www.nytimes.com/subscriptions/Multiproduct/lp5558.html?campaignId=37WW>)